

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION No.13973 of 2007

Between:

ICICI Bank Ltd.,
Rep. by its Regional Manager, Vijayawada.

..... PETITIONER

AND

1.The Assistant Commissioner of Labour,
Vijayawada, and another.

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION No.13973 of 2007

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Dated: 03-12-2007

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ORDER:

This Petition is filed seeking to issue a writ of certiorari to call for the records and to quash the proceedings in Rc.No.A/7450/2006, dated 06-12-2006 issued by the first respondent as illegal, arbitrary and violative of principles of natural justice.

Petitioner is the ICICI Bank Ltd., Benz Circle branch,

Vijayawada, represented by its Regional Manager. It appears that the second respondent, while working as sweeper in the petitioner-Bank, filed a complaint before the first respondent-Assistant Commissioner of Labour, Vijayawada, claiming that she worked in the petitioner-Bank for six years and that she was paid monthly salary of Rs.1800/- and when she demanded her wages from 01-07-2006, she was not permitted to attend the duty. Pursuant to the same, first respondent addressed a letter dated 13-11-2006 asking the petitioner to attend a joint meeting to be held on 17-11-2006 in his office. It is the case of the petitioner that on 17-11-2006, he appeared before the first respondent and requested some time and the matter was adjourned to 06-12-2006, and on 06-12-2006, when he filed detailed counter and waited outside the office of the first respondent, he was not called and the impugned order was passed directing reinstatement of the second respondent into service. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the parties and perused the entire material available on record.

A perusal of the impugned order would indicate that the petitioner did not participate in the joint meeting and also failed to file any counter. It is not the case of the first

respondent that

in spite of several adjournments, the petitioner did not participate in the meetings conducted by him. The notice was sent to the petitioner on 13-11-2006 and the joint meeting was arranged on

06-12-2006. Since the petitioner did not attend the joint meeting and there was no representation on his behalf on 06-12-2006, the impugned order was passed directing the petitioner to take back the second respondent into service. This does not appear to be in consonance with the principles of natural justice. No proper opportunity was given to the petitioner. Sending a second notice to the petitioner would not have defeated the purpose. Instead of trying to secure the presence of the petitioner by adjourning the matter, the first respondent passed the impugned order. The first respondent proceeded with the matter in haste. The petitioner could have been issued one more notice to be in tune with principles of natural justice and to meet the ends of justice. Therefore, I am of the opinion that the impugned order is not in consonance with the established practice of adjudication and deserves to be set aside. Accordingly, the impugned order is set aside and the matter is remitted to the Assistant Commissioner of Labour directing him to hear both the parties and pass appropriate orders as per law, on the complaint filed by the second respondent, within a period of six weeks, from the date of receipt of a copy of this order.

Writ Petition is allowed to extent indicated above.
No order as to costs.

03-12-2007

Note:
Furnish CC in one week.
B/o
LUR